



Town of Milton

115 Federal Street, Milton, Delaware 19968

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ORDINANCE NO. 2023-003

TO AMEND TOWN CODE CHAPTER 129 RELATED TO FOOD AND FOOD ESTABLISHMENTS

WHEREAS, the Town Charter of the Town of Milton, Delaware ("Town") provides in Section 29, that, "the Town Council is vested by this Charter with the following powers, to be exercised by the Town Council in the interest of good government, and the safety, health and public welfare of the Town, its inhabitants and affairs"; and

WHEREAS, Section 29 authorizes the Town Council to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, Milton Town Code Chapter 129 regulates the permitting and operations of Food and Food Establishments; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Mayor and Town Council of the Town of Milton, a majority thereof concurring, that the following revisions hereby incorporated into Chapter 129 of the Town Code, entitled "Food and Food Establishments".

Section 1. Amend §129-1, entitled "Definitions" with deletions shown by strike-through and additions shown by underline:

BOARD OF HEALTH

The State Board of Health and/or the Town Board of Health and the authorized representatives of each.

EATING AND COOKING UTENSILS

Includes any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

EMPLOYEE

Any person who handles food or drink during preparation or serving, who comes in contact with any eating or cooking utensils, or who is employed at any time in a room or in a mobile food vehicle ~~in which~~ where food or drink is prepared or served.

INSPECTOR

Any authorized representative of the Board of Health appointed by the Town Clerk under authority of the Council, and assigned to the Board of Health.

ITINERANT RESTAURANT

A restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

MOBILE FOOD VEHICLE

A food establishment that is located upon or within a vehicle, including but not limited to trucks, passenger vehicles, or a cart or other equipment which is pulled by a vehicle, where food or beverage, excluding alcoholic beverages, is cooked, prepared, or served for individual portion service. This definition includes but is not limited to: mobile food kitchens, pushcart vendors, mobile food trucks, canteen trucks, ice cream trucks and coffee trucks. This definition does not apply to "meals on wheels" program vehicles or food delivery services.

PERMIT

The State Board of Health inspection sheet in the absence of any other certificate of inspection or operating approval.

RESTAURANT

Restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, ~~sandwich stand~~, soda fountain, ~~drink stand~~, and all other public eating establishments where food is prepared, handled and served to the public at wholesale or retail for pay, as well as kitchens and other places in which food is handled or prepared for sale elsewhere to the public.

Section 2. Amend §129-2, entitled "Permit required" with deletions shown by strike-through and additions shown by underline:

A. No person shall operate a restaurant or mobile food vehicle within the Town who does not possess a valid, unrevoked permit from the Board of Health.

B. No person shall operate a restaurant or mobile food vehicle within the Town who does not possess a valid, unrevoked business license from the Town of Milton.

C. Mobile food vehicle operators shall obtain an Event Permit to vend food and or beverage items for each day of occupying a space either on Town streets or private property.

Section 3. Amend §129-4, entitled "Display of permit" with deletions shown by strike-through and additions shown by underline:

All permits shall be posted in a conspicuous place in the restaurant or mobile food vehicle.

I, John Collier, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Mayor and Town Council of the Town of Milton at its meeting held on the 3rd day of April, 2023, during a duly noticed meeting at which a quorum was present and voting throughout, and that the same is still in full force and effect.


MAYOR

SYNOPSIS

This Ordinance amends Town Code Chapter 129 regarding Food and Food Establishments regulations. Specifically, the ordinance adds language to regulate Mobile Food Vehicles.